Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/525,230	BIRKLER ET AL.
	Examiner	**Art Unit**	
	Andrew L Nalven	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 September 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-65</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-65</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>14 March 2000</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

   a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-65 are pending.

Response to Arguments

2.   Upon reconsideration, Examiner contends that the combination of Tomko and

Weinstein does teach the steps of "encrypting a user-entered reminder using the non-

verifiable personal identifier" (Weinstein, column 9 line 62 – column 10 line 1) and

"storing the encrypted data and the encrypted user-entered reminder in the memory"

(Weinstein, column 9 lines 64-65). As currently presented, the claims do not require a

step of a user entering a specific reminder. Further, the term "user" as employed in the

claims gives no indication as to the function of that person. As such, a reminder such

as "AMERICANEXPRESS" can be considered a user-entered reminder because it is

clearly not a random reminder and thus at some point a user must have entered

"AMERICANEXPRESS" as the reminder.

Drawings

3.   This application has been filed with informal drawings which are acceptable for

examination purposes only. Formal drawings will be required when the application is

allowed.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-14, 16-22, 24-35, 37-41, 43-56, and 58-64 are rejected under 35 U.S.C.

103(a) as being unpatentable over Tomko et al US Patent No 5,712,912 in view of

Weinstein et al US Patent No 4,453,074. Tomko discloses a method for handling PIN

numbers using biometric techniques.

6.   With regards to claims 1, 24, and 43, Tomko teaches the encrypting of data using

a non-verifiable personal identifier (Tomko, Figure 6A, column 4 lines 6-8) and the

storing of the encrypted data in memory (Tomko, Figure 6A, column 4 lines 8-11). The

stored data can only be correctly decrypted using the non-verifiable personal identifier

(Tomko, Figure 6B, column 4 lines 17-27). Tomko fails to teach the encrypting and

storage of a reminder along with the data. Weinstein teaches the encryption of a user-

entered reminder (Weinstein, column 9 line 62 – column 10 line 1) and the storage of

the user-entered reminder in memory (Weinstein, column 9 lines 64-65). At the time the

invention was made, it would have been obvious to a person of ordinary skill in the art to

utilize Weinstein's encrypted reminder because it offers the advantage of making it

more difficult for a forger to perform cryptanalysis on the password or encrypted data

(Weinstein, column 4 line 14 – column 5 line 2).

7.   With regards to claims 2, 25, and 44, Tomko and Weinstein teach everything

claimed above (see claim 1) and in addition Tomko teaches the data being one or more

personal identification codes (Tomko, column 3 lines 16-20, data is the PINs).

8.   With regards to claims 3, 26, and 45, Tomko and Weinstein teach everything

claimed above (see claim 1) and in addition Weinstein teaches the reminder being a

user-entered user-identifiable code (Weinstein, column 4 lines 22-31).

9.   With regards to claims 4, 27, and 46, Tomko and Weinstein teach everything

claimed above (see claim 1) and in addition Tomko teaches the non-verifiable personal

identifier (biometric) not being stored in memory (Tomko, Figures 6A and 6B).

10.   With regards to claims 5, 28, and 47, Tomko and Weinstein teach everything

claimed above (see claim 4) and in addition Weinstein teaches the non-verifiable

personal identifier being comprised of alphanumeric characters (Weinstein, column 11

lines 28-34).

11.   With regards to claims 6-7, 29-30, and 48-49, Tomko and Weinstein teach

everything claimed above (see claim 4) and in addition Tomko teaches the non-

verifiable personal identifier being comprised of an identifiable personal characteristic

such as a human voice, fingerprint, or eye (Tomko, column 3 lines 16-20 and 51-56).

12.   With regards to claims 8, 31 and 50, Tomko and Weinstein teach everything

claimed above (see claim 4) and in addition they teach the application of the non-

verifiable personal identifier against the stored encrypted data and the stored encrypted

reminder so as to decrypt the stored encrypted data and reminder (Tomko, Figure 6B,

column 4 lines 17-27 and Weinstein, column 9 line 62 – column 10 line 1).

13.   With regards to claims 9, 17, 20, 51, 59, and 62, Tomko and Weinstein teach

everything claimed above (see claim 8) and in addition Tomko teaches the providing of

the decrypted data (Tomko, column 4 lines 17-27).

14.   With regards to claims 10-14, 32-35, and 52-56, Tomko and Weinstein teach

everything claimed above (see claim 9) and in addition Weinstein teaches the data and

reminder being displayed (Weinstein, column 8 lines 51-53 and column 10 lines 18-47).

15.   With regards to claims 16, 37 and 58, Tomko and Weinstein teach everything

claimed above (see claim 1) and in addition they teach the applying of the another non-

verifiable personal identifier against the stored encrypted data and the stored encrypted

reminder so as to incorrectly decrypt the stored encrypted data and reminder (Tomko,

Figure 6B, column 4 lines 17-27 and Weinstein, column 9 line 62 – column 10 line 1 and

column 10 lines 26-33 and column 13 lines 48-51).

16.   With regards to claims 18-19, 21-22, 38-41, 60-61, and 63-64, Tomko and

Weinstein teach everything claimed above (see claim 17) and in addition Weinstein

teaches the incorrect data and reminder being displayed (Weinstein, column 8 lines 51-

53 and column 10 lines 18-47).

17.   Claims 15, 23, 36, 42, 57, and 65 rejected under 35 U.S.C. 103(a) as being

unpatentable over Tomko et al US Patent No 5,712,912 and Weinstein et al US Patent

No 4,453,074 as applied to claims 8, 16, 31, 37, 50, and 58 above, and further in view

of Davis et al US Patent No. 6,088,450. Tomko and Weinstein, as described above, fail

to teach the waiting of a predetermined time before using a personal identifier for

another decryption. Davis teaches the imposition of a time-delay for accessing

resources (Davis, column 6, lines 20-25). At the time the invention was made, it would

have been obvious to a person of ordinary skill in the art to utilize Davis' time delay

method because it provides an increase in security to the conventional password based

security system (Davis, column 1, lines 30-50 and lines 20-25).

Conclusion

18.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

19.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andrew L Nalven whose telephone number is 571 272

3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate

Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gregory Morse can be reached on 571 272 3838. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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